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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : John Loike and Samuel C. Silverstein
U.S. Serial No.: 09/177,843 Examiner: C.H. Yae
Filed : October 22, 1998 Group Art Unit: 1642
For : METHOD OF TREATING A MALIGNANT TUMOR BY
PROMOTING INGRESS OF LEUKOCYTES INTO TUMOR
FOCI

1185 Avenue of the Americas
New York, New York 10036
March 4, 2003

Assistant Commissioner for Patents
Washington, D.C. 20231
BOX RCE

Sir:

COMMUNICATION AND PETITION FOR
TWO-MONTH EXTENSION OF TIME

This Communication is submitted along with the RCE submitted herewith in connection with the above-identified application. A Notice of Appeal was filed November 4, 2002, making an Appeal Brief due January 4, 2003. Applicants hereby request a two-month extension of time. The fee for a two-month extension is \$205.00 for a small entity. A check for \$580.00 is enclosed, which includes the \$205.00 extension fee and the \$375.00 RCE filing fee. An Appeal Brief is now due March 4, 2003, and this Communication and RCE are being submitted in lieu thereof. Accordingly, this Communication and RCE are being timely filed.

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REMARKS

Claims 27-39 and 41 are pending and under examination in the subject application. Applicants have not amended, cancelled or added any claims. Thus, claims 27-39 and 41 are still pending and under examination.

In view of the arguments set forth below, applicants maintain that the Examiner's outstanding rejection has been overcome and respectfully request that the Examiner reconsider and withdraw same.

Rejection Under 35 U.S.C. §112, First Paragraph

In the Advisory Action, the Examiner indicated that applicants' August 2, 2002 Amendment has not overcome the rejection of claims 27-39 and 41 under 35 U.S.C. §112, first paragraph, as allegedly not enabled by the specification.

In response, applicants respectfully traverse the Examiner's rejection.

Briefly, claims 27-39 and 41 provide a method for treating a malignant tumor, wherein the tumor comprises tumor cells around which tenascin has been deposited. This method comprises the step of administering an agent that binds to a β_1 integrin cell surface receptor of leukocyte cells. The agent can be an antibody, a β_1 integrin cell surface receptor-binding antibody fragment, or a peptide comprising GRGDSP.

In the Advisory Action, the Examiner stated that "the amendment to the claims still raises enablement issues, as it pertains to the antibodies encompassed by the claims." The Examiner also

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stated that "applicants [sic] assertions that enablement for any and all antibodies have been misapplied."

Applicants note, however, that on page 2 of the May 2, 2002 Office Action, the Examiner has conceded enablement for "an antibody and binding fragments thereof and peptide GRGDSP." The Examiner's remarks in the Office Action following this concession are understood by applicants as being directed to an asserted lack of enablement for *peptidomimetics*. Applicants stress that the term "peptidomimetics" does not appear in the pending claims. Accordingly, applicants maintain that the claimed method is enabled by the specification.

In view of the above remarks, applicants maintain that claims 27-39 and 41 satisfy the requirements of 35 U.S.C. §112, first paragraph.

Summary

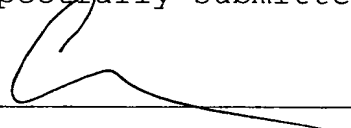
In view of the amendments and remarks made herein, applicants maintain that the claims pending in this application are in condition for allowance. Accordingly, allowance is respectfully requested.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

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No fee other than the enclosed \$580.00 sum, is deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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